

ORDINANCE NO. 05- 294

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTERS 11.04, 14.48, 14.74, AND 14.80 OF THE LOS ALTOS
MUNICIPAL CODE PERTAINING TO CRS DISTRICT SIGNS, CRS DISTRICT
ZONING, CITY WIDE PARKING AND CRS DISTRICT NONCONFORMING OFFICE
USE PERMIT REGULATIONS, RESPECTIVELY**

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 11.04.080 of Chapter 11.04 of Title 11 of the Los Altos Municipal Code entitled "Signs" is hereby amended by adding the following language as Subsection B and moving and retitling the current Subsection B as C:

- B. In reviewing a design review application for the CRS District, the following additional criteria shall be also considered:
1. Signage shall be visually compatible with the character of the downtown village, and with the architectural style of the building and storefront facade.
 2. Internally lit plastic face signs are discouraged.
 3. Exposed tube neon window signs shall be limited to not more than two square feet in size and the minimum number necessary as determined by the city planner, except where they may be approved otherwise under a sign permit. No more than one exposed tube neon sign shall be lighted at any one time.

SECTION 2. AMENDMENT OF CODE: Chapter 14.48 of Title 14 of the Los Altos Municipal Code entitled "CRS Downtown Commercial Retail Sales District" is hereby replaced in its entirety with the following:

CRS DOWNTOWN COMMERCIAL RETAIL SALES DISTRICT

Sections:

- 14.48.010 CRS District.
- 14.48.020 Vision statement and specific purposes (CRS).
- 14.48.030 Permitted uses (CRS).
- 14.48.040 Conditional uses and structures (CRS).
- 14.48.050 Required conditions (CRS).
- 14.48.060 Front yard (CRS).
- 14.48.070 Side yards (CRS).
- 14.48.080 Rear yard (CRS).
- 14.48.090 Floor area ratio (CRS).
- 14.48.100 Off-street parking (CRS).
- 14.48.110 Common parking facilities (CRS).
- 14.48.120 Off-street loading and refuse collection (CRS).
- 14.48.130 Height of structures (CRS).
- 14.48.140 Design control (CRS).
- 14.48.150 Nonconforming use regulations (CRS).
- 14.48.160 Signs (CRS).
- 14.48.170 Fences (CRS).
- 14.48.180 Restoration of nonconforming structures (CRS).
- 14.48.190 Exceptions for public benefit (CRS).

14.48.010 CRS District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 of this title shall apply in the CRS District.

14.48.020 Vision statement and specific purposes (CRS).

The city shall retain and enhance the downtown Los Altos village atmosphere and shall seek to attract businesses to the village. The primary characteristics of the desired village atmosphere include:

- A. A mix of uses emphasizing retail businesses and services that meets the needs of community residents and visitors, and with housing located above ground floor businesses;
- B. Buildings and streetscape elements that enhance the pedestrian experience, reflect quality design, present a diversity of appearances, and contribute to the architectural and historical interest of the village;
- C. An attractive, pedestrian-oriented shopping environment that encourages social interaction, with substantial landscaping and open space, and adequate public parking;
- D. Business and specialty stores that will attract customers from the local community and surrounding region; and
- E. Encouragement of activities that enhance and extend commercial vitality, including nighttime activities.

In addition to the vision statement, the specific purposes for the CRS district are as follows:

- A. Promote the implementation of the downtown urban design plan;
- B. Encourage pedestrian-scale design and minimize blank walls and other dead spaces at the ground level;
- C. Continue the pattern and scale established by existing buildings by requiring building designs that express the underlying twenty-five (25) foot frontages originally established, either by building structure or by architectural design;
- D. Create continuous building frontage without major interruption by disallowing driveways and parking lots on shopping street frontages;
- E. Allow latitude for creative design and architectural variety within limits established;
- F. Provide pedestrian amenities such as paseos, outdoor public spaces and outdoor seating;
- G. Establish a sense of entry into the downtown;
- H. Encourage historic preservation for those buildings listed on the City's historic resources inventory;
- I. Encourage the upgrading of building exteriors, signs, passageways, and rear entries; and
- J. Encourage the use of solar, photovoltaic, and other energy conserving devices.

14.48.030 Permitted uses (CRS).

The following uses shall be permitted in the CRS District:

- A. Business, professional, and trade schools located above the ground floor;
- B. Offices located above the ground floor;
- C. Parking spaces and loading areas incidental to a permitted use;
- D. Personal services, except when located in a ground floor building space that fronts directly onto Main Street or State Street;
- E. Private clubs, lodges, or fraternal organizations located above the ground floor;
- F. Restaurants, excluding drive-through services;
- G. Retail; and
- H. Uses which are determined by the city planner to be of the same general character.

14.48.040 Conditional uses and structures (CRS).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CRS District, except when they displace a retail business located in a ground floor building space that fronts directly onto Main Street or State Street:

- A. Any new building that has an area greater than seven thousand (7,000) gross square feet, and any addition to an existing building which would result in the total building area exceeding seven thousand (7,000) gross square feet, including additions to buildings which presently exceed seven thousand (7,000) gross square feet in area;
- B. Cocktail lounges;
- C. Commercial recreation;
- D. Day care centers, except when located in a ground floor building space that fronts directly onto Main Street or State Street;
- E. Hotels;
- F. Housing located above the ground floor; and
- G. Uses which are determined by the planning commission to be of the same general character.

14.48.050 Required conditions (CRS).

The following conditions shall be required of all uses in the CRS District:

- A. Any ground floor office that is voluntary discontinued shall be converted to a conforming use, or receive a conditional use permit to maintain an office at that location pursuant to subsection 14.80.060(H) of Chapter 14.80 of this title. Voluntary discontinuance shall mean to include a change in ownership.
- B. All businesses, services, and processes shall be conducted within a completely enclosed structure, except for parking and loading spaces, sale of gasoline and oil at service stations, incidental sales and display of plant materials and garden supplies occupying no more than one thousand five hundred (1,500) square feet of exterior sales and display area, outdoor eating areas operated incidental to permitted eating and drinking services, and as otherwise allowed upon the issuance of an outdoor display permit. Exterior storage is prohibited.
- C. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the commission to be objectionable by reason of odor, dust, noise, vibration, illumination, glare, unsightliness or electrical disturbances which are manifested beyond the premises in which the permitted use is located.
- D. No property owner, business owner and/or tenant shall permit or allow operation of a business which violates the required conditions of this chapter, including the following general criteria:
 - 1. Refuse collection. Every development, including applications for tenant improvements, shall be required to provide suitable space for solid waste separation, collection, and storage and shall provide sites for such that are located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way. Refuse collection areas are encouraged to be shared, centralized, facilities whenever possible.
 - 2. Lighting. Lighting within any lot that unnecessarily illuminates any other lot and/or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if (i) it clearly exceeds the minimum illumination necessary to provide for security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities, or (ii) if the illumination could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

3. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area air quality management district shall comply with applicable state standards concerning air pollution.
4. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, ~~or~~ facilities, and public sidewalks adjacent to the subject property shall be required. In the case of public sidewalks, maintenance shall be limited to keeping the sidewalk clean and free of debris, markings, and food and drink stains by means of sweeping, cleaning with water and/or steam cleaning.
5. Odors. No use may generate any odor that may be found reasonably objectionable as determined by an appropriate agency such as the Santa Clara County health department and the Bay Area air quality management district beyond the boundary occupied by the enterprise generating the odor.
6. Noise. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed standards as set forth in Chapter 6.16 of the Los Altos Municipal Code.
In order to attenuate noise associated with commercial development, walls up to twelve (12) feet in height may be required at a commercial/residential interface. Other conditions may be applied such as, but not limited to, muffling of exterior air conditioning facilities.

14.48.060 Front yard (CRS).

With the exception of landscaping, all development in the CRS District must be built to the back of the sidewalk.

14.48.070 Side yards (CRS).

No side yards shall be required, and none shall be allowed, except where the side property line of a site abuts a public parking plaza, the minimum width of the side yard shall be two (2) feet which shall be landscaped. A required side yard may be used for parking except for the area required to be landscaped.

14.48.080 Rear yard (CRS).

No rear yard shall be required except as follows:

- A. Where the rear property line of a site abuts a public parking plaza, the minimum depth of the rear yard shall be two (2) feet, which shall be landscaped.
- B. Where the rear property line of a site abuts an existing alley, the minimum depth of the rear yard shall be ten (10) feet, of which the rear two (2) feet shall be landscaped. A required rear yard may be used for parking, except for the area required to be landscaped.

14.48.090 Floor area ratio (CRS).

The maximum floor area ratio shall be as follows:

District Location	Maximum Floor Area Ratio
CRS properties assessed for the parking plazas	100 percent of the total area of the site (1.0 FAR)
CRS properties not assessed for the parking plazas	80 percent of the total area of the site (0.8 FAR)

14.48.100 Off-street parking (CRS).

Parking facilities shall be provided in accordance with Chapter 14.74 of this title. In addition, parking facilities shall:

- A. Reduce the visual impact of parking structures and parking lots by locating them at the rear or interior portions of building sites;
- B. Minimize the street frontage of the lot or structure by placing its shortest horizontal edge along the street;
- C. When parking structures must be located at street frontage because other locations are proven infeasible, the ground level frontage shall either be used for commercial space or shall provide a landscaped area not less than five feet in width between the parking area and the public right-of-way;
- D. Not be accessed from State or Main Streets unless no other access is feasible, in which case the number of direct entrances to parking facilities from streets shall be kept to a minimum;
- E. Provide a landscaped buffer not less than five (5) feet in width between a parking lot or structure and street frontage or buildings. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature;
- F. Provide a minimum of interior landscaping for unenclosed parking facilities as follows: where the total parking provided is located on one site and is fourteen thousand nine hundred ninety-nine (14,999) square feet or less, five percent of total parking area; where the parking is fifteen thousand (15,000) through twenty-nine thousand nine hundred ninety-nine (29,999) square feet, seven and one-half percent of total parking area; and where the facility is thirty thousand (30,000) square feet or greater, ten (10) percent of total parking area;

Parking Area (in square feet)	Minimum Landscaping (% of Parking Area)
< 15,000	5
15,000 – 29,999	7.5
> 30,000	10

- G. Trees in reasonable number shall be provided; ground cover alone is not acceptable. Interior landscaping shall be distributed throughout the paved area as evenly as possible. Provision shall be made for automatically irrigating all planted area. All landscaping shall be protected with concrete curbs or other acceptable barriers. All landscaping shall be continuously maintained.

14.48.110 Common parking facilities (CRS).

As provided in Chapter 14.74 of this title.

14.48.120 Off-street loading and refuse collection (CRS).

- A. Where buildings are served by alleys, all service-delivery entrances, loading docks, and refuse collection facilities shall be located to be accessed from the alley. No loading area shall be located at the street frontage or building facade.
- B. A minimum of thirty-two (32) square feet of covered refuse collection area shall be provided and shall not be located in any front or street side yard. Where an alley exists, the refuse collection area shall be accessed from the alley. Refuse collection areas shall be on site, but are encouraged to be shared, centralized, facilities whenever possible.

- C. On sites not served by an alley, service areas shall be located to the rear, side, or at an internal location where visibility from public streets, public parking plazas and neighboring properties will be minimized.
- D. Refuse collection areas shall be enclosed by a screen wall of durable material and planting as necessary to screen views from streets, public parking plazas and neighboring properties.

14.48.130 Height of structures (CRS).

No structure shall exceed two stories or a maximum height of thirty (30) feet. The first story shall have a minimum interior ceiling height of ten (10) feet to accommodate retail use, and the floor level of the first story shall be no more than one foot above sidewalk level.

14.48.140 Design control (CRS).

- A. No structure shall be built or altered including exterior changes in color, materials, and signage in the CRS District except upon approval of the city planner or as prescribed in Chapter 14.78 of this title.
- B. Reduction of apparent size and bulk:
 - 1. As a general principle, building surfaces should be relieved with a change of wall plane that provides strong shadow and visual interest.
 - 2. Every building over twenty-five (25) feet wide shall have its perceived height and bulk reduced by dividing the building mass into smaller-scale components by:
 - i. A change of plane;
 - ii. A projection or recess;
 - iii. Varying cornice or roof lines;
 - iv. Providing at least one entrance for every twenty-five (25) feet of building frontage; or
 - v. Other similar means.
 - 3. The proportions of building elements, especially those at ground level, should be kept intimate and close to human size by using recesses, courtyards, entries, or outdoor spaces along the perimeter of the building to define the underlying twenty-five (25) foot lot frontage.
- C. The primary access to the ground floor for all buildings shall be directly to the street or parking plazas, with the exception of arcade or interior courtyard spaces.
- D. Consideration should be given to the relationship of the project and its location in the downtown to the implementation of goals and objections of the downtown urban design plan. Evaluation of design approval shall consider one or more of the following factors:
 - 1. The project location as an entry, edge, or core site;
 - 2. The ability to contribute to the creation of open space on-site or in designated areas;
 - 3. Enhancement of the pedestrian environment through the use of pathways, plantings, trees, paving, benches, outdoor dining areas or other amenities;
 - 4. Building facade improvements including, paint, signage, service areas, windows and other features;
 - 5. On or off-site improvements; and/or
 - 6. Public or private landscape improvements.
- E. Opaque, reflective, or dark tinted glass should not be used on the ground floor elevation. Sixty (60) percent of the ground floor elevation should be transparent window surface.
- F. Courtyards should be partially visible from the street or linked to the street by a clear circulation element such as an open passage or covered arcade.
- G. Rooftop mechanical, venting, and/or exhausting equipment must be within the height limit and screened architecturally from public view, including views from adjacent buildings located at the same level.

14.48.150 Nonconforming use regulations (CRS).

(As provided in Chapter 14.66 of this title.)

14.48.160 Signs (CRS).

(As provided in Chapter 11.04 of Title 11.)

14.48.170 Fences (CRS).

(As provided in Chapter 14.72 of this title.)

14.48.180 Restoration of nonconforming structures (CRS).

(As provided in Chapter 14.66 of this title.)

14.48.190 Exceptions for public benefit (CRS).

- A. To implement the downtown urban design plan, exceptions from the provisions of this chapter may be granted provided the following findings are made:
1. The granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area;
 2. The benefit to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;
 3. The project and mitigation will result in a public benefit to the downtown; and
 4. The resultant project and mitigation are consistent with the General Plan and promote or accomplish objectives of the downtown urban design plan.
- B. For the purposes of this chapter, exceptions may include, but are not limited to, floor area ratio, setbacks, on-site parking, and development or building standards.

SECTION 3. AMENDMENT OF CODE: Section 14.74.70 of Chapter 14.74 of Title 14 of the Los Altos Municipal Code is hereby added, the current Section 14.74.70 is hereby replaced with 14.74.080, the current Section 14.74.80 is hereby replaced with 14.74.090, the current Section 14.74.90 is hereby replaced with 14.74.100 per the following, and the remaining sections are renumbered accordingly:

14.74.70 Residential uses in CN, CS, CD, CRS, and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the gross square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any gross square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district:

- A. There shall be two off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having two rooms or more in addition to the kitchens and bathrooms.
- B. There shall be one and one-half off-street parking spaces for each dwelling unit in a multiple-family dwelling or apartment house having less than two rooms in addition to the kitchens and bathrooms.

14.74.080 Office uses in OA-1, OA-4.5, and CN Districts.

Parking space requirements shall be not less than one parking space for each two hundred (200) square feet of gross square footage. For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.

14.74.090 Office uses in OAD, OA, CS, CD, CRS, and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the gross square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any gross square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each two hundred fifty (250) square feet of gross floor area. For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.

14.74.100 Commercial uses in OAD, OA, CN, CS, CD, CRS, and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the gross square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required as follows for any gross square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district. For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.

- A. For stores, service establishments, shops, studios, not less than one parking space for each two hundred (200) square feet of gross floor area;
- B. For business, professional and trade schools, one parking space for every three employees, including teachers and administrators, plus one additional space for every two students;
- C. For bars, cafes, nightclubs, restaurants, and soda fountains, one parking space for every three employees, plus one space for every three seats provided for patrons, and such additional parking spaces as may be prescribed by the commission;
- D. For bowling alleys, one parking space for every three employees, plus six additional parking spaces for each alley;
- E. For pool halls, one parking space for every three employees, plus one additional parking space for each pool table;
- F. For other types of commercial recreation establishments, one parking space for every three employees, plus such additional parking spaces as may be prescribed by the planning commission;
- G. For hotels and motels, one parking space for every three employees, plus one additional space for each sleeping room or suite, and additional parking spaces as prescribed in subsection (A) of this section for any store, service establishment, shop, or studio located on the site, and additional parking spaces as prescribed in subsection (C) of this section for any bar, cafe, nightclub, restaurant, or soda fountain located on the site;
- H. For mortuaries, one parking space for every three employees, and one additional space for each hearse and funeral car owned or hired by the mortuary, plus the number of spaces prescribed by the planning commission for visitors and persons attending funerals;
- I. For theaters and auditoriums, one parking space for every four seats, plus one additional space for every three employees; and
- J. For automobile display or salesrooms, bus depots, drive-in banks, drive-in restaurants, repair garages, and storage garages, one parking space for every three employees, plus such additional parking spaces as prescribed by the planning commission or city council.

SECTION 4. AMENDMENT OF CODE: Subsection 14.80.060(H) of Chapter 14.80 of Title 14 of the Los Altos Municipal Code is hereby replaced with the following, Subsection 14.80.060(I) is hereby eliminated, and the remaining sections are retitled accordingly:

- H. When the proposed conditional use is a nonconforming ground floor office use, the planning commission and city council shall make one or more of the following findings:

1. That access to the space to be occupied can only be reached through another business; and/or
2. That there is no direct frontage to the space to be occupied from the street or parking plaza; and/or
3. That the building to be occupied is constructed in such a manner that its conversion to retail is infeasible or would cause unreasonable economic hardship due to the type of construction, the structural remodeling required to convert to retail, lack of window display, or other constraint identified with the findings.

SECTION 5. ENVIRONMENTAL ANALYSIS. The amended zoning regulations set forth herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there is no possibility that these amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

SECTION 6. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 7. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 8. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on October 25, 2005 and was thereafter, at a regular meeting held on November 15, 2005 passed and adopted by the following vote:

Ayes: LEAR, MOSS, COLE, PACKARD, CASAS
Noes: NONE
Absent: NONE



David Casas, MAYOR

Attest:



Susan Kitchens, CITY CLERK